

# School District Redistricting Commission

## FREQUENTLY ASKED QUESTIONS ABOUT ARIZONA SCHOOL REDISTRICTING

(Revised April 4, 2007)

Public School District authorities are granted by Arizona Law, and as such can be legally and organizationally complex. The following answers are being subject to additional legal research and interpretation, and if necessary will be refined and revised in future editions of School District Redistricting Commission fact sheets.

*-Martin L. Shultz, Chairman, School District Redistricting Commission*

### **Q1: What is the School District Redistricting Commission?**

A: The Arizona School District Redistricting Commission is a legislatively-enacted Commission charged with reviewing all current common school districts that are not part of a unified school district and considering combining these into a new unified district to create districts that offer instruction to students from preschool through grade 12, including those with disabilities.

The School District Redistricting Commission is made up of a committed group of education, business and political leaders representative of diverse stakeholders from across Arizona:

- Ms. Vicki Anderson, retired teacher/school librarian
- Mr. Jay Blanchard, ASU College of Education, former state legislator
- Dr. Sandra Dowling, Maricopa County School Superintendent
- Ms. Doris Goodale, President, Kingman Unified School District (Mohave Co.)
- Mr. Art Harding, Arizona Department of Education
- Mr. Jay Kaprosy, Senior Government Relations Advisor, Steptoe & Johnson, former Legislative Liaison for the Superintendent of Public Instruction
- Ms. Rita Leyva, Chief Deputy, Yavapai County Education Service Agency
- Mr. George A. Martinez, Director of Institutional Advancement, Glendale Community College/Maricopa Community College District (Co-Chairman of the Commission)
- Mr. Dave Naugle, Corporate Public Affairs, Southwest Gas Corporation, governing board member, Sonoita Elementary School District #25
- Mayor Thomas Schoaf, business owner, Mayor of Litchfield Park, former board member of Litchfield Elementary School District
- Mr. Kent Scribner, Superintendent, Isaac School District
- Mr. Martin L. Shultz, VP Government Affairs, Pinnacle West Capital Corporation, former teacher and administrator (Chairman of Commission)
- Mr. Joseph Thomas, teacher, Mesa Unified School District

## **Q2: How did the school redistricting effort come about?**

A: In 2005, during Arizona's 47<sup>th</sup> Legislature's First Regular Session, Senate Bill 1068 (Chapter 191) passed with bi-partisan support and was signed by Gov. Janet Napolitano. The bill established a 13-person School District Redistricting Commission to consider redistricting to, among many considerations, provide for a more seamless and connected learning experience and alignment of curriculum for the state's youth, as well as potential savings and efficiencies. The Commission is charged to:

review all current common school districts that are not part of a unified school district and consider combining these common school districts into a new unified district or combining common school districts with a union high school district to create unified districts. . .

The legislation further states that the Commission's recommendations may include enlarging or diminishing the size of affected school districts but shall also include unorganized territories within recommended unified districts where practicable. The Commission may also determine that an existing common school district should remain a common school district and not be included in a new unified school district recommendation.

Currently in Arizona there are 227 school districts - 51 of those districts enroll fewer than 200 students; other districts enroll 70,000+ students. The districts are set up in three configurations: common, union high school and unified. Of the 227, the focus for the Commission is on the 108 common school districts and the 15 union districts.

## **Q3: Are existing Unified districts impacted in this process?**

A: Those districts which are already unified as K-12 districts are not included in the Commission's charge.

## **Q4: What is the process that the School District Redistricting Commission is to follow?**

A: Beginning in February 2005, the Commission began a series of regular meetings, including hearing a variety of presentations involving existing education research, details of how schools are funded, and a presentation from the Alhambra School District on its proposed plan for redistricting. The Commission then went through a process of determining what data was needed to best facilitate its decision-making process. The ASU Decision Theater and its technology tools have been utilized to help develop initial draft redistricted plans.

In addition to Commission meetings, and as required by the legislation, three public hearings were held, one in Prescott, one in Tucson and one in Phoenix, to gain insight, feedback and ideas for the varying needs in different parts of Arizona. Each session brought out a wide cross-section of individuals representing school districts, boards, individual schools, chambers and other entities. Additional hearings at the Decision Theater included the public and involved extensive feedback from outlying areas as well as Maricopa County representatives.

**Q5: What kind of criteria did the legislation prescribe as considerations for the Commission in its decision-making process?**

A: Criteria include:

- Relevant academic and scientific research regarding school size, school district size
- Aligning curriculum K-12
- Teacher salaries and schedules
- Travel time of students
- District geographic boundaries
- Career ladders
- Primary and secondary tax issues
- Fiscal implications and legal issues
- Potential for more effective use of facilities
- Application of teacher experience indexes and existing salary schedules

**Q6: Will the School District Redistricting Commission use additional criteria in making its decisions for redistricting?**

A: This list is not complete or prioritized. It is merely a list of the variety of items that will be considered as the Commission continues to follow its charge:

- Aligning curriculum K-12
- Administrative positions
- Governing boards
- Instructional and non-instructional support services
- Budgeting
- Contractual obligations
- Capital debt
- Capital overrides previously accumulated
- Legal liability and acquisition of legal liabilities
- School district overrides
- New district names, numbers
- Enrollments
- Political and municipal boundaries
- Tax rates
- Which schools students attend when they move from a common district to a high school district (existing feeder patterns)
- Excess utilities expenditures
- Desegregation expenditures
- Student demographics
- English language learner percentage
- Small and/or isolated designation
- AIMS and AZ Learns designation
- Expenditure per pupil
- Percentage of special education students

**Q7: What is the gap that now exists in non-unified districts, in other words, why unification?**

A: Arizona's school organization is more than 100 years old and has grown through random growth patterns as the state has gone from a sleepy western locale to the fastest growing state in the country. Research, studies and the experts who have examined the field of education over the years show that a fully-coordinated, continuous instructional plan for students beginning in kindergarten and ending with the senior year

in high school ultimately support a more productive education career for the students involved.

Students and teachers alike are significantly disadvantaged without a fully integrated educational organization. An optimum size school district also facilitates a number of other benefits that trickle into the classroom – a common culture for the student and a community that oversees his or her career throughout their early and formative education years, efficiencies in administration and maximizing costs, great potential for unified teacher pay and more commensurate boosts in salary, teacher enrichment programs, consistencies in school calendars, holidays, vacation time, and a variety of other opportunities.

Organizing unified districts on a K-12 basis improves the “articulation” of the curriculum which leads to a better educated population resulting in a more qualified work force supporting Arizona’s future. The challenge now is how to effectuate change from an historic system, while striving to provide a quality educational system for Arizona’s children. Improving the educational quality and streamlining the financial resources are key issues surrounding the unification of school districts. A truly effective educational system should reflect efficiency and simplicity while preserving the best features of the existing system. Above all, local control will be maintained and the new unified districts will be able to make the decisions they deem best for their students.

**Q8: If a school district board votes to unify before the School District Redistricting Commission revised plan is voted on, does that action supersede the Commission unification plan for that district?**

A: The Commission is not authorized to unify common school districts with existing unified districts. Therefore, the newly-unified districts would no longer be included under the Commission’s charge.

**Q9: What is the timeline for next steps as determined by the statute guiding the School District Redistricting Commission?**

A: With feedback from the November 15, 2006 hearing, the final plans for K-12 Unified Districts will take shape over the coming few months. By April 30, 2007, the Commission will provide a preliminary report on the proposed school district redistricting plan. That preliminary report will be submitted to the governing boards of the affected school districts for consideration and feedback.

By July 31, 2007, the Governing Boards of the affected school districts shall have reviewed the preliminary report and submit comments to the Commission. The comments may include specific recommendations to modify the proposed unification plan and/or recommendations of one or more alternative redistricting plans.

By December 31, 2007, with the Governing Board recommendations in hand, the Commission will design and submit to the Governor, a proposed school district redistricting plan. These proposed redistricting plans will then be placed on the ballots in November 2008 for the members of each affected community to vote on.

**Q10: Where can I find out more about the School District Redistricting Commission, its minutes and plans?**

A: A full copy of the legislation, as well as a list of Commission members, meeting minutes and plans, is available at <http://www.ade.az.gov/sdrc/>

**Q11: Will attendance boundaries change?**

A: If there is going to be a change, the new unified school board will determine the attendance boundaries.

**Q12: Will my child have to switch schools?**

A: Probably not, however, if the voters approve a K-12 unification plan, the new unified school board has the ability to change the attendance boundaries and that might impact your child. The School District Redistricting Commission is dealing with school district boundaries, not individual school attendance boundaries or existing feeder patterns.

**Q13: How does unification impact where my child goes to high school, including what might be designated as the new neighborhood high school?**

A: Attendance changes will be made by new unified school district boards. Open enrollment opportunities will still exist.

**Q14: Who determines the tax rates?**

A: The new unified school district board does. Arizona's Constitution and statutes set forth laws governing the determination of property tax rates for school districts. The primary tax rate is largely determined by a formula based primarily on student count. The secondary tax rate is largely determined by what the registered voters approve. These rules are unaffected by the unification process. (Please see other questions for discussion of what happens to existing overrides and bonding indebtedness.)

**Q15: What happens to the debt that an existing school district may have?**

A: If a subdividing school district has outstanding bonded indebtedness, liability for the payment of principal of and interest on the indebtedness is prorated between the new school districts in the same proportion as the relative assessed valuation of taxable property in the new school districts. A.R.S. § 15-457, sub. B and § 15-458, subs. E. Considering the second example in Questions 22, assume the assessed valuation in HS1 is \$20 million, in HS2 is \$30 million and in HS3 is \$50 million. New district HS1 would be liable for payment of 20 percent of the debt of the old district HS, HS2 would be liable for 30 percent of the debt and HS3 would be liable for 50 percent of the debt.

On unification of school districts, any existing bonded indebtedness of a unifying common school district or a high school district are assumed by the new unified school district and are regarded as an indebtedness of the new unified school district for the purpose of determining the debt limit of the district. Taxes for the payment of the bonded indebtedness are levied on all taxable property in the new unified school district. A.R.S. §15-448, subs. K.

If a common school district has been authorized to issue bonds, but has not issued all the bonds, the authorization continues in some circumstances after unification. If the common school is not subdivided, the authorization continues for the original purposes authorized. If the common school is subdivided, the bond authorization expires unless it is divided among the new unified school districts as specified in the subdivision and unification plans. A.R.S. § 15-458, sub. G, par. The statutes do not address the status of the bonding authority of a high school district that joins in creating a unified district.

**Q16: What happens to existing overrides in districts that are split or combined with other districts?**

A: The statutes set out a formula to determine the maximum amount that school districts may budget. The formula considers a number of factors, including the number of students, characteristics of these students, bus mileage and the experience of teachers. A school district may exceed the statutory budget limit if the excess budget is approved by the voters at an override election.

On formation of a unified school district, any existing override authorization of the former high school district and the former common school district or districts continues until expiration based on the budget limit of the school district or districts that had override authorization prior to unification. The unified school district may request new override authorization for the budget year based on the budget limit of the new district after unification. If the unified school district's request for override authorization is approved, it will replace any existing override for the budget year. A.R.S. § 15-448, subs. I.

On subdivision of a union high school district and formation of two or more unified school districts, if the union high school district and all the common school districts had overrides that would continue past the formation of the unified district, the override authorization continues for the new district. This authorization expires at the time the earliest override would have expired if the unified district had not been formed. A.R.S. § 15-458, subs. G, par. 8.

**Q17: What happens to the ability to use excess utilities, desegregation money or career ladders? If a district was using one of these funding features and that district is combined with another district or the district is first split and then the pieces are combined with other districts, who gets to use those funding features?**

A: Any district whose utility costs have increased at a greater rate than the growth in the revenue control limit may use the special budgeting procedures for excess utility costs. The unified district would reapply the provisions to the new school district budget as a whole. The excess utility provision expires at the end of the 2008-2009 school year. A.R.S. § 15-910, sub. A.

On desegregation dollars, Arizona statutes say when two or more common school districts join with a union high school district, the authorization to budget monies outside the revenue control limit does not expire on the effective date of the subdividing of a district or unification of the new one, but instead only applies to schools included in the court order or administrative agreement. A.R.S. section 15-458, subsection G, paragraphs 1 and 7. This requirement also applies to certain consolidations as provided in A.R.S. section 15-459, subsection Q.

If existing school districts are unifying and they had participated in the career ladder program, the state board of education must expedite the processing of, and may approve an updated application for, program reapproval for the new unified district that includes the former school district that was participating in the program. A.R.S. section 15-458, subsection G, paragraph 9.

**Q18: What happens to existing contractual obligations?**

A: All assets and liabilities of the unifying districts are transferred and assumed by the new unified school district. A.R.S. §15-448, subs. K. As the School District Redistricting Commission is interested in supporting and maintaining local control, it will look to the newly formed school districts to best determine how to address payment of any pre-existing legal liabilities and contractual obligations.

**Q19: Who makes the final decision on unifications?**

A: The voters in each district.

**Q20: Who gets to vote?**

A: According to the statute, "Each county school superintendent in a county with a school district that is affected by the proposed school district unification plan submitted by the Commission shall call an election of ALL QUALIFIED VOTERS WITHIN THE BOUNDARIES OF THE PROPOSED UNIFIED SCHOOL DISTRICT. . ."  
Laws 2006, chapter 191, section 4, subsection A

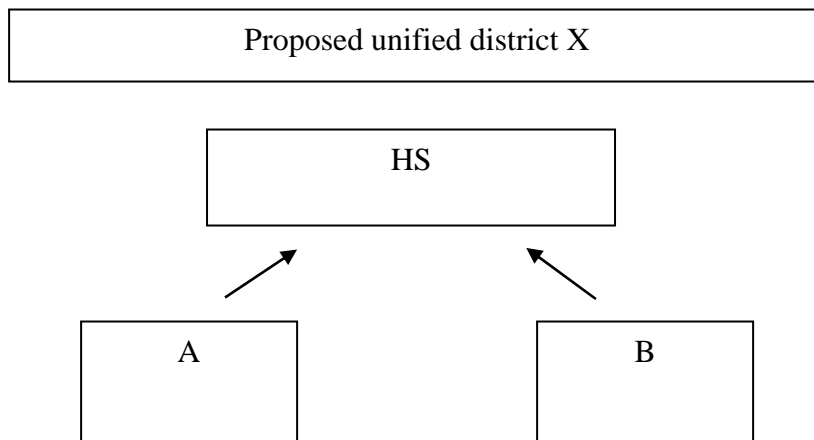
**Q21: Does the Commission have authority to create a ward system for electing district board members – in which board members would come from a specific geographic location within that district?**

A: Probably not. Senate Bill 1068 (Chapter 191) does not specifically provide an option for ward systems. The only statutory authority for dividing school districts into single member districts was A.R.S. § 15-431. Although this section is still on the books, it was declared unconstitutional in its entirety in *McComb v. Superior Court*, 189 Ariz. 518 (App. 1997).

**Q22: How do voters from one specific district specifically impact the outcome for all, including if splitting a high school district to form several new unified districts.**

A: If the majority of voters in any of the school districts affected by the unification plan do not approve the reunification, that plan is void. Laws 2006, chapter 191, section 4, subsection D.

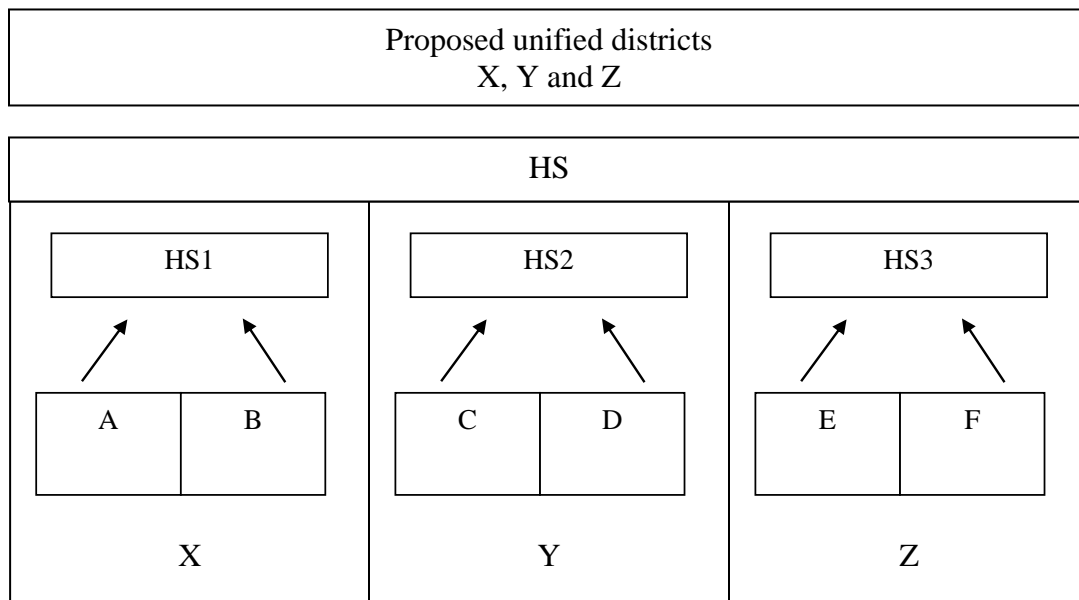
The following example shows how these requirements apply in the situation where two common school districts join with a union high school district to form a unified district.



In this example, the proposal is for a high school district HS to join with common school districts A and B. The ballot language for elections involving more than one school district would be used as required by Chapter 191. Laws 2006, chapter 191, sec. 4, sub. C. Each voter would vote on this one issue.

If the majority of the voters in school district A or school district B vote against the unification, the plan for creating unified district X (including A, B and HS) is defeated. Even if a majority of the voters in the whole election approve the plan, it must also be approved by a majority of the voters in each of the affected districts.

In a few situations, there may be an instance that involves splitting a high school district to form several new unified districts. While the Commission is authorized to recommend subdividing districts, the election procedures do not directly address this situation. Therefore, the Chapter 191 provisions must be read with the statutory provisions regarding subdivision of school districts. The statutory provisions would apply to the subdivision of the high school district and the Chapter 191 provisions would apply to the unification. The following example shows how these various requirements would apply.





In this example, high school district HS is being subdivided into high school districts HS1, HS2 and HS3. These high school districts are being joined with common school districts to form three new unified districts as follows; HS1, A and B to form district X, HS2, C and D to form district Y and HS3, E and F to form district Z.

The voters would vote on two questions. All the voters would vote on whether district HS should be subdivided into districts HS1, HS2 and HS3. A majority of all these voters would have to approve the subdivision to go into effect. If this first question fails, all of the unification plans would fail.

The second question in the proposed districts would be different. It would be the ballot question required by Chapter 191 for unification of multiple districts. Therefore, the voters in districts HS1, A and B would vote on whether they wanted these districts to unify as new district X, voters in HS2, C and D would vote on formation of unified district Y and voters in districts HS3, E and F would vote on formation of unified district Z. The results on this second question in one proposed unified district would not affect the formation of any other unified district. For example, if the voters in common school district F reject the proposed unification of district Z, this district would not be formed. However, unified districts X and Y could still be formed if they were approved by a majority of the voters in all of their respective districts.

**Q23: What happens if there is a need for a new school in a newly unified district?**

The method for determining when a new school will be built does not alter with the unification process as established under the Students' FIRST legislation enacted in 1998. Under Students' FIRST, a district must submit a capital plan that projects student growth for at least the next three years. Students' FIRST established minimum quantity standards for school facilities outlined below. These standards are based on total square feet per pupil.

Grade Configuration	District Size	Required Feet <sup>2</sup>
K-6	NA	80
6-8	Less than 800	84
6-8	More than 800	80
9-12	Less than 400	125
9-12	Between 400 and 1,000	120
9-12	Between 1,000 and 1,800	112
9-12	More than 1,800	94

These requirements are measured district wide and include all available space. District administrative spaces are not included. The School Facilities Board (SFB) uses these

standards to establish a district capacity for each grade range. For example, if a district has 100,000 ft<sup>2</sup> of K-6 space, the SFB would divide that amount by 80 to determine that the district has a K-6 capacity of 1,250 students. This example is simplified for demonstration purposes and the SFB may consider other factors when establishing capacity of pre-1998 space.

**Q24. Who determines if a new school needs to be built in a newly unified district and how is the need determined?**

A: To apply for new space, a district must submit a capital plan that projects student growth for at least the next three years. The School Facilities Board (SFB) reviews and approves these projections. If the approved projections show that a district will exceed the established capacity within two years for K-6 or three years for 7-12, the SFB will award new space to the district.

Once the SFB determines that the district qualifies for new space based on its pre-established standards, the Board establishes a budget for the new construction process based on the following statutory formula: Number of Students X Square Footage X Cost per Square Foot. The number of students is based on projected district needs. The square footage and cost per square foot are both established by the governing statute.

Once the budget is established, the district must design the school and procure the contractor. Before construction begins, the SFB must approve the final budget.

Under the current law, districts that do not have a high school are not eligible for one unless they qualify based on certain geographic factors. The SFB has defined those geographic factors in rule as the following:

1. A district is transporting more than 100 students at least 45 miles or 60 minutes each direction to the nearest facility.
2. A district is tuitioning more than 350 students to a district that is more than 20 miles away or will qualify for a new high school within the next seven years.

Based on such factors, if districts are created that do not have an existing high school, that district will not necessarily qualify for a new high school.

**Q25: Does the School Facilities Board take into account projected student growth in determining if there is a need for a new school?**

A: With standards based on total square feet per pupil and districts required to submit capital plans that project student growth for at least the next three years, the SFB is very focused on ensuring that adequate facilities support the growing number of school children in Arizona.

**Q26: What happens to disparity in teacher salaries if the new average within the new unified school district is less than what had existed?**

A: The new school board determines teacher salaries. However, the statutes require that for the first year of operation of the new unified district, a teacher's base

compensation cannot be lower than that earned in the prior year in the previously existing school district. Also, an employee's years of employment in the previously existing district are included in determining the years of employment in the new district. A.R.S. §15-448, subs. H and § 15-458, subs. G, par. 10 and 11.

**Q27: How will new districts be named?**

A: The new local school board will determine the name of the new district. Arizona statutes provide that each school district will be designated as school district number (the number of the district), of said County. A.R.S. § 15-441, subsection B. The Commission's unification plan requires new school boards to determine the common name for their district within two years of unification.

**Q28: How will the costs of a unification plan be identified and how will its impact to the state general fund be calculated?**

A: With the assistance of the auditor general and the Joint Legislative Budget Committee, the School District Redistricting Commission will identify costs attributable to a unification plan and estimate the impact to the state general fund. Laws 2005, Ch. 191, § 3, sub. F, par. 11.

**Q29: What happens to the school boards when more than one school board combines and/or what happens to a school board when a district is split and then the pieces are combined with other districts?**

A: On formation of a unified school district, the governing board contains the members of the former school district governing boards. These members hold office until January 1 following the first general election after the formation of the district. At that general election, a five member board is elected. The three persons receiving the highest number of votes have four year terms. The two other members have two year terms. After this first election, all offices have four year terms. A.R.S. § 15-448, subs. D and E and § 15-458, subs. G, par. 4.

**Q30: What happens to the small school adjustment after unification?**

A: The adjustment goes away if the new district is no longer "small" as defined by statute.

**Q31: Explain some of the terms that are defined in statute in regard to school districts?**

A: "Common school district" means a political subdivision of this state offering instruction to students in programs for preschool children with disabilities and kindergarten programs and grades one through eight.

"High school district" means a political subdivision of this state offering instruction to students for grades nine through twelve or that portion of the budget of a common school district which is allocated to teaching high school subjects with permission of the state board of education.

"Unified school district" means a political subdivision of the state offering instruction to students in programs for preschool children with disabilities and kindergarten programs and grades one through twelve.

"Small isolated school district" means a school district which meets all of the following:

(a) Has a student count of fewer than six hundred in kindergarten programs and grades one through eight or grades nine through twelve.

(b) Contains no school which is fewer than thirty miles by the most reasonable route from another school, or, if road conditions and terrain make the driving slow or hazardous, fifteen miles from another school which teaches one or more of the same grades and is operated by another school district in this state.

(c) Is designated as a small isolated school district by the superintendent of public instruction.

"Small school district" means a school district which meets all of the following (this has no relation to the small school adjustment):

(a) Has a student count of fewer than 600 in kindergarten programs and grades one through eight or grades nine through 12.

(b) Contains at least one school which is fewer than thirty miles by the most reasonable route from another school which teaches one or more of the same grades and is operated by another school district in this state.

(c) Is designated as a small school district by the superintendent of public instruction.

**Q32: Is there any activity taking place on additional legislation that might impact school redistricting?**

A: Yes. The following has been discussed:

1. **Reinstate the 10/7/4 financial incentive for school districts to unify.** Before the enactment that created the SDRC (SB1068), school districts that voluntarily unified would be able to increase their revenue control limit and district support level for the first three years of operation by 10% in the first year, 7% in the second year, and 4% in the third year. This incentive was eliminated in SB1068. Instead, if a school district unifies, the district will be able to increase its revenue control limit and district support level by 5 percent for the first year. Additional increases include any transitional costs that are directly associated with routine formalities that are necessary as a result of unification such as changing of signs, letterhead, stationary and similar issues. The proposed follow-up legislation is to reinstate the three year financial incentive for schools that unify.
2. **Phase out the small school district adjustment.** School districts that have fewer students than the minimum student count as defined by A.R.S. 15-949 statute are considered small school districts. As a result of being defined as such, a district is entitled to additional funding (small school district adjustment). However, if a newly created unified district has more students than the minimum student count set forth in statute for a district to be a small school district, then the new district is not entitled to the small school adjustment. The proposed follow-up legislation is to phase out the small school district adjustment over a several year

period where a newly unified district is made up of at least one small school district.

3. **Expand the School District Redistricting Commission authority to include consolidating type 3 school districts with unified school districts.** In the course of evaluating districts that could benefit from unification, the School District Redistricting Commission realized some type 3 elementary districts feed into unified districts. In some of these situations, consolidating these type 3 elementary districts into the unified districts that they feed into might be beneficial. However, SB1068 does not give the Commission the authority for consolidation. The proposed follow-up legislation is to give the School District Redistricting Commission additional authority to consolidate type 3 elementary districts with unified districts that they feed into, where appropriate.
4. **Allow the School Facilities Board (SFB) to provide funding for high schools to be built in a unified district that does not currently have a high school.** Existing statutes prohibit the SFB to provide funding for high school space in unified districts that do not have high school space unless certain geographic factors are met. In certain scenarios being considered by the School District Redistricting Commission, newly unified districts do not currently have high school space. Under existing statutes, the newly formed unified district would never get state funding for high school space. The proposed follow-up legislation is to allow SFB to provide for funding for high school space, if needed, even if the unified district does not currently have high school space.
5. **Equalize the funding for elementary and high school districts with the desired goal being to ensure that elementary school teachers are paid at the comparable rate as high school teachers.** Currently, elementary school districts and high school districts are not funded equally. The high school districts receive more money per pupil than elementary school districts. As a result, elementary school district teachers are often paid less than comparable high school district teachers. The proposed follow-up legislation is to equalize the funding of elementary and high school districts for the targeted goal of equity in pay for elementary and high school district teachers.

*Sources of information for this document include the Arizona Department of Education, Legislative Council, School Facility Board and members of the School District Redistricting Commission.*

(Additional questions and answers will be added to this document as the process for K-12 Redistricting unfolds.)

**<http://www.ade.az.gov/sdrc/>**